

1 GIBSON, DUNN & CRUTCHER LLP

Robert E. Cooper, SBN 035888

2 Richard P. Levy, SBN 053980

Mark E. Weber, SBN 120386

3 Kay E. Kochenderfer SBN 125847

James P. Fogelman, SBN 161584

4 Robert P. Berry, SBN 220271

333 South Grand Avenue

5 Los Angeles, California 90071-3197

Telephone: (213) 229-7000

6 Facsimile: (213) 229-7520

7 Attorneys for Defendants SEMPRA ENERGY,  
SOUTHERN CALIFORNIA GAS COMPANY and  
8 SAN DIEGO GAS & ELECTRIC COMPANY

9 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

Christopher Tayback (Bar No. 145532)

10 Ryan G. Baker (Bar No. 214036)

11 865 South Figueroa Street, 10th Floor

Los Angeles, California 90017-2543

12 (213) 624-7707 (Telephone)

13 (213) 624-0643 (Facsimile)

14 Attorneys for Plaintiff

THUMS Long Beach Company

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **COUNTY OF SAN DIEGO**

19 Coordination Proceeding Special Title  
20 (Rule 1550(b))

21 NATURAL GAS ANTI-TRUST CASES I, II, III  
& IV

22 [This Document Relates to The Southern  
23 California Cases Only]

Case No. JCCP 4221-00000

The Honorable Ronald S. Prager  
Coordination Trial Judge

**JOINT STIPULATION BETWEEN  
PLAINTIFF THUMS LONG BEACH  
COMPANY AND DEFENDANTS SEMPRA  
ENERGY, SOUTHERN CALIFORNIA GAS  
COMPANY AND SAN DIEGO GAS &  
ELECTRIC COMPANY RE WRITTEN  
DISCOVERY RESPONSES BY THUMS  
LONG BEACH COMPANY**

1 WHEREAS, Defendants Sempra Energy, Southern California Gas Company and San Diego  
2 Gas & Electric Company (the "Sempra Defendants"), on the one hand, and Plaintiff THUMS Long  
3 Beach Company ("THUMS"), on the other hand, have met and conferred over the written discovery  
4 and document responses served by THUMS Long Beach Company on March 11, 2005 and March 14,  
5 2005 (the "Written Discovery Responses");

6 WHEREAS, many of the requests underlying the Written Discovery Responses require  
7 Plaintiff THUMS to identify the facts, witnesses and documents supporting its allegations of a  
8 conspiracy and to admit certain facts concerning the purported conspiracy, as alleged in the First  
9 Amended Complaint filed by THUMS on January 6, 2005 (the "Conspiracy-Related Requests");

10 WHEREAS, similar (if not identical) discovery and document requests were propounded on  
11 Plaintiffs Continental Forge Company, Frank and Kathleen Stella, Doug and Valerie Welch, Andrew  
12 and Andrea Berg, Gerald J. Marcil, John Clement Molony, SierraPine, Limited, Long Beach Brethren  
13 Manor, United Church Retirement Homes of Long Beach, Inc., and Robert Lamond (collectively, the  
14 "Class Plaintiffs");

15 WHEREAS, THUMS has already stipulated that it has no personal knowledge of any facts  
16 that would support or otherwise relate to the purported conspiracy as alleged in the Complaint (except  
17 for personal knowledge regarding demand for bypass at its own facilities and the fact and/or amount  
18 of damages) and believes that an independent investigation of the Conspiracy-Related Requests  
19 would be unnecessarily duplicative of and would add nothing of substance to the investigation(s)  
20 already conducted by counsel for the Class Plaintiffs;

21 WHEREAS, through this stipulation, THUMS seeks to avoid the cost and effort such an  
22 investigation; and

23 WHEREAS, through this stipulation, the Sempra Defendants seek substantive discovery  
24 responses to the Conspiracy-Related Requests to which THUMS will be bound for all purposes of  
25 this litigation, including trial;

26 ///

27 ///

28 ///

1 The undersigned counsel for Plaintiff THUMS and the Sempra Defendants hereby stipulate  
2 that:

3 THUMS hereby adopts, in full, the Class Plaintiffs' substantive responses to the Conspiracy-  
4 Related Requests (except for those requests regarding demand for bypass at its own facilities and the  
5 fact and/or amount of damages). For each of these requests, THUMS will rely (at its own risk) upon  
6 the investigation(s) (if any) by counsel for the Class Plaintiffs and will not be required to submit  
7 supplemental responses regarding the following:

- 8 a. *Plaintiff THUMS Long Beach Company's Responses and Objections to Defendants*  
9 *Sempra Energy, Southern California Gas Company, and San Diego Gas & Electric's First*  
10 *Set of Requests for Admissions to THUMS*, Response Nos. 1-43, 46-319, and 321-969;  
11 b. *Plaintiff THUMS Long Beach Company's Responses and Objections to Defendants*  
12 *Sempra Energy, Southern California Gas Company, and San Diego Gas & Electric's First*  
13 *Set of Form Interrogatories* – all form interrogatories related to the responses identified in  
14 subsection (a); and  
15 c. *Plaintiff THUMS Long Beach Company's Responses and Objections to Defendants*  
16 *Sempra Energy, Southern California Gas Company, and San Diego Gas & Electric's First*  
17 *Set of Special Interrogatories*, Response Nos. 5-47, 51-87, 91-121, 123-124, 126, 130, and  
18 140-142.

19 As to each and every one of the above-listed items, THUMS agrees to be bound by the  
20 responses of the Class Plaintiffs. The responses of the Class Plaintiffs are binding for all purposes,  
21 including but not limited to trial. THUMS agrees that, as to these issues, it will be held jointly liable

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 for any failure to properly investigate, by Class Plaintiffs or their counsel, any written discovery  
2 requests or responses. To the extent that any of the above-listed Written Discovery Requests request  
3 information as of the date of THUMS' response, that date shall be understood to mean the date of  
4 Class Plaintiffs' response.

5 DATED: June 14, 2005

6 QUINN EMANUEL URQUHART  
7 OLIVER & HEDGES, LLP

8 CHRISTOPHER TAYBACK  
9 RYAN G. BAKER

10 By:   
11 Ryan G. Baker

12 Attorneys for Plaintiff THUMS LONG BEACH  
13 COMPANY

14 DATED: June 14, 2005


15 GIBSON, DUNN & CRUTCHER LLP  
16 ROBERT E. COOPER  
17 RICHARD P. LEVY  
18 MARK E. WEBER  
19 JAMES P. FOGELMAN  
20 ROBERT P. BERRY

21 By:  (JAC)  
22 James P. Fogelman

23 Attorneys for Defendants  
24 SEMPRA ENERGY, SOUTHERN  
25 CALIFORNIA GAS COMPANY and SAN  
26 DIEGO GAS & ELECTRIC COMPANY

27 **IT IS SO ORDERED:**

28 DATED: JUN 17 2005, 2005

  
THE HONORABLE RONALD S. PRAGER  
Coordination Trial Judge, Superior Court  
San Diego County, State of California

10866695\_2.DOC